

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

68-CR-107

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
<p>THE UNITED STATES</p> <p><i>vs.</i></p> <p>Alvin Leroy Honeycutt</p>	<p><i>For U. S.:</i></p> <p>James E. Ritchie</p> <p><i>For Defendant:</i></p> <p>D. Jr. Carl Hall (Appt. Counsel) Nat. Bnk of Tulsa Bldg. Tulsa, Oklahoma</p>
<p>CLOSED</p>	

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 9-30-68	Clerk				
J.S. 3 mailed 10-31-68 1-31-69 Suppl.	Marshal				
Violation Firearms	Docket fee				
Title 26					
Sec. 5851 and 5861					

DATE	PROCEEDINGS
9-6-68	Indictment filed in open court. h
9-6-68	Record vote of the Grand Jury filed in open court. h
9-6-68	Order specifying methods and conditions of release filed. h
9-6-68	Bond of the defendant in the amount of \$1000.00 filed. h
9-19-68	Defendant present in person and represented. Deft. advised as to charge & copy of indictment heretofore delivered to him. Deft. arraigned, waives reading of indictment and enters a plea of NOT GUILTY. Adjudged that deft. is granted 10 days to file motions & case to be set on jury assignment. Deft. is to remain on present bond. (LB-J)(Larry Marks-CSRw)
9-20-68	Case set for jury trial October 15, 1968 at 9:30 A.M. (FD-J) ds
9-30-68	Motion For the Return of Seized Property & Suppression of Evidence, filed. js
9-30-68	Brief in Support of Deft. Motion to Suppress Evidence, filed. js
9-30-68	Motion To Dismiss the Indictment, filed, js
9-30-68	Brief In Support of Motion to Dismiss the Indictment, filed. js
10-4-68	Response To Deft. Motion To Suppress Evidence, filed. js
10-7-68	Case stricken and reset for jury trial on Mon., Oct. 28, 1968, at 9:30 a.m. before Judge Luther Bohanon. (FD-J)w

(over)

DATE	PROCEEDINGS
10-10-68	Hearing held on defendant's motion for return of seized property and suppression of evidence and motion to dismiss the indictment. Defendant present and represented. Ordered that both motions are overruled. (LB-J)w
10-10-68	Order that defendant's motion to dismiss the indictment is overruled without prejudice and defendant's motion to suppress evidence is overruled. (LB-J)w
10-28-68	Ordered by the Court that the jury trial of this case is passed until Tuesday, October 29, 1968 at 9:30 A. M. (Luther Bohanon - Judge) (FS-CSR)
10-29-68	Case tried to a jury, Verdict of GUILTY returned, defendant adjudged GUILTY as charged, bond fixed at \$5,000.00 surety company, defendant committed to custody of the U. S. Marshal, sentencing passed to Thursday, October 31, 1968 at 9:30 A. M., pending probation officer's report. (Luther Bohanon - Judge) (FS-CSR) b
10-29-68	Defendant's requested jury instructions filed in open Court. b
10-29-68	Verdict of Guilty filed in open Court. b
10-29-68	Return on subpoena, filed. Served Jimmy Scism on 10-28-68. w
10-30-68	Case called for non-jury trial. Deft. present and represented. Deft. withdraws his pleas of NOT GUILTY as to Cts. 1,2,3,4&5 heretofore entered and enters pleas of GUILTY as to each of Cts. 1,2,3,4,&5. It is adjudged that deft. is GUILTY as charged in Cts. 1,2,3,4&5 and sentencing is passed pending probation officer's report. (LB-J)(FS-CSR)w
10-31-68	Order, to disburse \$100.00 to Ellen Honeycutt, (LB-J), filed. js
10-31-68	Defendant present and represented. Statement made. Judgment and Sentence - Alvin Leroy Honeycutt Five (5) Years. (Luther Bohanon-Judge)(FS-CSR) b
10-31-68	Judgment and Commitment as to defendant, filed and entered. (LB-Judge) b
10-31-68	Two cc of J & C delivered to the U. S. Marshal. b
11-8-68	Affidavit in support of motion to proceed on appeal in forma pauperis, with order granting motion, filed. (Luther Bohanon)g
11-8-68	Notice of appeal by Alvin Leroy Honeycutt, filed. Copies mailed to Court of Appeals, U. S. Attorney and Carl D. Hall, Jr. g
11-8-68	Request for Reporter's transcript, filed.
11-18-68	Return on J&C, filed. Delivered defendant to Federal Correctional Institution at Texarkana, Texas, on 11-13-68. m
12-5-68	Court reporter's transcript (orig. + 2 copies) of proceedings at motions to dismiss and suppress, jury trial and sentencing, filed. g
12-16-68	Appeal record (orig. + 3 copies) sent to USCA, Denver. g
1-10-69	Order Modifying Sentence, that Honeycutt be discharged & released from custody of Atty Gen. and placed on probation for two years, filed. js (Luther Bohanon-Judge).(Letter sent to Warden, Hall, & Honeycutt)
2-13-69	CC of Order of USCA dismissing appeal of Alvin Leroy Honeycutt, filed. g

UNITED STATES COMMISSIONER

Northern DISTRICT OF Oklahoma.

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE Milam M. Ewing

(Name of commissioner)

Federal Building, Tulsa, Okla.

(Address)

COMMISSIONER'S
DOCKET NO. 2 CASE No. 872
THE UNITED STATES
vs.

ALVIN LEROY HONEYCUTT (39)

Complaint filed on 4-8-68, 19, by Earl F. Burnett
Official title A & TT, Investigator, charging violation of
United States Code, Title 26, Section 5851, on 4-8-68
19, at Tulsa, Okla. in the
division of the Northern district of Oklahoma.
as follows: did possess an unregistered firearm
which had been made in vio. of Sec. 5821, of T. 26,
& he did possess a firearm which had been transf.
in vil. of Sec. 5811, T. 26, to wit: a sawed 12 gauge
shotgun having a barrel length of 12 in. & overall
length of 19 1/8 in.
(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date 4-8-68

Warrant/Summons for Alvin Leroy Honeycutt

to (name and title of officer)

To Any U. S. Marshal or Any authorized U.S. Officer: (Name of defendant)

Substance of return

Arrested by: Earl F. Burnett, A & TT, Investigator

Date

Warrant/Summons for

to (name and title of officer)

Substance of return

FILED

16,948

APR 16 1968

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER: Ewing

Date 4-8-68

Arrested by Earl F. Burnett,
A & TT, Investigator

on warrant of Noble C. Hood
U. S. Clerk U. S. District Court
(Name of issuing officer)
without warrant.

Appearances

{ for United States

(Name)

(Address)

{ for accused

(Name)

(Address)

Proceedings taken Defendant presented, advised of charge filed against him, his

(Here insert with dates, when appropriate, a serialim account of essential steps taken at hearing such as "complaint prepared,"

right to counsel and a preliminary hearing. Def't. desired counsel and

if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"

case continued until 4-10-68. Bond fixed at \$1000.00. Upon failure to

if that is the fact; any adjournments taken, etc.

post bond he was remanded to the custody of U.S. Marshal.

4-10-68: De't. released on bond with 10% deposit and case continued until
April 12, 1968 @ 10:30 A.M. Carl Hall, Atty, appointed to represent def't

Outcome

Bail fixed April 8, 1968 Amount, \$ 1000.00 Bonded 4-10-68, 19, by cash
deposited by (name) Address
transmitted to clerk of district court 19 [or] by surety
(name) Alvin Leroy Honeycutt Address 823 1/2 S. 1st, St, Blackwell, Okla.
(name) Ellen Honeycutt, Address 1316 1/2 E. Jasper, Tulsa, Okla. who
justified by affidavit dated, 19, [or] committed to U.S. Marshal
on, 19,

SUBPOENAS FOR WITNESSES ISSUED:

....., 19....., for (name of witness).....
 at request of (name of party).....
 Substance of return.....

....., 19....., for (name of witness).....
 at request of (name of party).....
 Substance of return.....

....., 19....., for (name of witness).....
 at request of (name of party).....
 Substance of return.....

~~XXXXXXXXXX~~ PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date Apr. 12, 1968 Appearances for

{	United States	(Name)
		(Address)
	Accused	(Name)
		(Address)

WITNESSES FOR UNITED STATES: (List names and addresses)

.....,

WITNESSES FOR ACCUSED: (List names and addresses)

.....,

Witness payroll containing..... names certified to United States Marshal for payment....., 19.....

Proceedings taken.....
 The defendant present in person, advised of constitutional
 rights and his right to preliminary hearing. Waived preliminary
 hearing, and held for Court Action. Released on bond posted on
 4-10-68.

Outcome Held for Court Action.

Bail fixed 4-8-68, 19..... Amount, \$ 1000.00 Bonded 4-10-68, 19....., by cash
 deposited by (name)..... Address.....
 transmitted to clerk of district court....., 19.....
 [or] by surety (names)..... Address.....
 and..... Address.....
 who justified by affidavit....., 19..... Committed to.....
 on....., 19.....

Certified to be a correct transcript.

Made this 12th day of April, 19 68

Transmitted to Clerk of United States District Court for the Northern
 district of Oklahoma, 4-12-68, 19.....

M. M. Ewing
 United States Commissioner.